

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Westaway, et al.

Serial No. 09/580,476

Filed: 26 May 2000

For: FLAVIVIRUS EXPRESSION AND
DELIVERY SYSTEMTo: Assistant Commissioner for Patents
Washington, D.C. 20231

Art Unit: 1636

Our Ref. 37264.6.0

Examiner: D. Guzo

I hereby certify that this correspondence is being

☒ deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231
☐ facsimile transmitted to the Patent and Trademark Office
☐ hand delivered to the Patent and Trademark Officeon this 2 day of January, 2002By M. Adley E. Thompson**TRANSMITTAL OF INFORMATION DISCLOSURE STATEMENT
BEFORE MAILING DATE OF EITHER A FINAL ACTION
OR NOTICE OF ALLOWANCE (37 CFR 1.97(c))**

The supplemental information disclosure statement transmitted herewith is being filed after three months of the filing date of this national application or the date of entry of the national stage as set forth in § 1.491 in an international application or after the mailing date of the first Office action on the merits, whichever event occurred last but before the mailing date of either (1) a final action under § 1.113; or (2) a notice of allowance under § 1.311, whichever occurs first.

CERTIFICATION OR FEE

Accompanying this transmittal is the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c).

FEE PAYMENT

Applicant elects the option to pay the fee set forth in 37 CFR 1.17(p) for submission of an information disclosure statement under § 1.97(c).

METHOD OF PAYMENT OF FEE

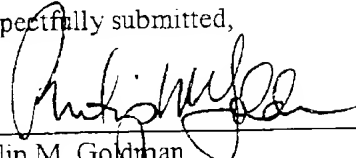
x Attached is a check in the amount of \$180.00.

___ Charge account 061910 in the amount of \$___.

If any additional fees are due, please charge Account 061910.

Respectfully submitted,

Dated: 2 JAN 2002


Philip M. Goldman
Registration No. 31,162
Fredrikson & Byron, P.A.
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SIR:

In accordance with the duty of disclosure, a completed Form PTO-1449 is enclosed.

Consideration of each of the listed references by the Examiner is respectfully requested.

Applicant also respectfully requests that an initialed copy of Form PTO-1449 indicating such consideration be returned with the next Official Action, as set forth in MPEP 609. Attached hereto are copies of the following references.

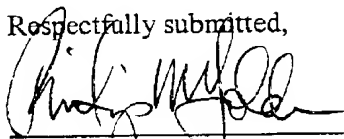
Yamshchikov, *et al.*, Virology, 281, 294 (2001)Barba *et al.*, "Bicistronic Flavivirus replicons based on tallow fever 17D," page 33 of the abstract book from the 6th International Symposium on Hepatitis C and Related Viruses, NIH, Bethesda, Maryland, 6-9 June (1999)Barba *et al.*, "Engineering yellow fever 17D for heterologous gene expression and vaccination," P6-5, page 149 of the abstract book of the 19th annual meeting of American Society for Virology, Fort Collins, Colorado, July 8-12 (2000)Khromykh *et al.*, "Essential Role of Cyclization Sequences in Flavivirus RNA Replication", Journal of Virology, July 2001, p. 6719-6728

By submitting these references, applicant does not admit that the references are prior art to or material to this application, and reserves the right to establish that any reference is not prior art. Applicant does not represent that the references have been reviewed in detail; there may be details in the references of which applicant is unaware.

The Commissioner is hereby authorized to charge any additional filing fees required to Deposit Account No. 061910. A duplicate copy of this sheet is enclosed.

Dated: 2 JAN 2002

Respectfully submitted,



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